

when claim 1 is found to be allowable, because claims 3-6 and 20 depend from claim 1 and would thus be allowable for at least the same reasons that claim 1 is allowable.

Applicant appreciates the indication of allowable subject matter in claims 9-12, 15, 17, 21, 23, 46 and 47, and the allowance of claims 25-36, 42 and 43. For the reasons discussed below, all of claims 1-36, 42, 43 and 45-48 are allowable.

Claims 1, 2, 7, 8, 13, 14, 16, 18, 19, 22, 24, 45 and 48 were rejected under 35 U.S.C. §102(b) over DE 197 16 404 (DE'404). The rejection is respectfully traversed.

DE'404 fails to disclose a braking system with a valve device having a first state in which the pressurized fluid is delivered from two pressurizing chambers of the at least two pressurizing chambers to the brake cylinder, and a second state in which the pressurized fluid is delivered from only one of the two pressurizing chambers to the brake cylinder while the fluid is permitted to be discharged from the other of the two pressurizing chambers but is not permitted to be delivered to the brake cylinder, as recited in claim 1.

As argued during the personal interview, DE'404 fails to disclose all of the features recited in claim 1 because DE'404 always permits the discharge and delivery of fluid from both of the chambers 4, 6 to the brake cylinder 3. As admitted on page 4 of the Office Action, fluid is delivered from the chamber 6 to the brake cylinder 3 via the pump 10. Although fluid does not pass through the valve device 12 when the valve device 12 is in the second state 12.2, fluid is still permitted to be discharged from the chamber 6 and permitted to be delivered to the cylinder 3. It is not material as to whether the pump 10 is a part of the valve device. In other words, although the valve device 12 does not permit fluid from being delivered from the chamber 6 to the cylinder 3 via the valve device 12, the valve device 12 does not prevent fluid from being delivered from the chamber 6 to the cylinder 3 via the pump 10. There is no viable reason to assert that the valve device 12 has a state in which fluid is delivered from only one of the two chambers 4, 6.

As also discussed during the personal interview, DE'404 fails to disclose any valve device that permits fluid to be discharged from the chamber 6 but prevents fluid from being delivered to the cylinder 3. DE'404 cannot disclose a valve device that prevents fluid from being delivered to the cylinder 3 from the chamber 6 when fluid is always admittedly delivered to the cylinder 3 from the chamber 6. DE'404 thus fails to disclose a valve device with a second state in which the pressurized fluid is delivered from only one of the two pressurizing chambers to the brake cylinder while the fluid is permitted to be discharged from the other of the two pressurizing chambers but is not permitted to be delivered to the brake cylinder, as recited in claim 1.

In view of the foregoing, DE'404 fails to disclose all of the features recited in claim 1 as well as the additional features recited in the dependent claims thereof. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-36, 42, 43 and 45-48 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,  


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Date: February 15, 2005

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